Hazel Roby, as Administratrix of the Estate of Ronald Tyrone Roby, Deceased v.

Benton Express, Inc.

Exhibit B
Plaintiff's Response to Defendant's
Objections to Magistrate Judge's Orders and
Motion to Set Aside Orders
Of Magistrate Judge

Affidavit of Gregory A. Brockwell

Case 2:05-cv-00494-MHT-VPM

Document 77

Filed 02/03/2006

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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA. **NORTHERN DIVISION**

HAZEL M. ROBY, as Administratrix of the Estate of RONALD TYRONE ROBY, Deceased,)))
Plaintiff,	
v.	CIVIL ACTION NO.: 2:05CV494-T
BENTON EXPRESS, INC., et al,)
Defendants.)

AFFIDAVIT OF GREGORY A. BROCKWELL

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, Gregory A. Brockwell, who being by me, first duly sworn, did depose and say on oath as follows:

- My name is Greg Brockwell. I am over the age of nineteen (19) years and have personal knowledge of the facts contained within this affidavit.
 - I am counsel of record for Defendant Benton Express, Inc., in this matter. 2.
- On February 2, 2006, I received a copy of the "complete workers' compensation 3. file" that has been maintained by Benton Express in relation to the workers' compensation claim of Craig Stephens' widow, Stephanie Stephens.
- I have carefully reviewed the workers' compensation file to determine whether or 4. not it contains privileged documents.
- By reviewing the file, I have determined that it contains numerous documents 5. that are protected from discovery either by the attorney-client or work-product privileges. These privileged documents are listed in the privilege log that is attached hereto as "Exhibit 1-A."

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6. All of the documents listed on the privilege logs are in the nature of correspondence by and between Benton Express, Benton Express' attorneys, and/or Benton Express' workers' compensation insurance carrier. [Exhibit 1-A].

- 7. All of the documents listed on the privilege log concern Craig Stephens' accident on April 11, 2005, and the claims arising from that accident.
- 8. All of the documents listed on the privilege log contain privileged attorney-client communications, were prepared in anticipation of litigation, or fall into both categories.
- 9. Benton Express received legal advice and counsel in anticipation of litigation within a few days of the subject accident, as is reflected in the privilege log. [Exhibit 1-A]. Further affiant sayeth not.

GREGORY A. BROCKWELL

STATE OF ALABAMA

COUNTY OF JEFFERSON)

)

Sworn to and subscribed before me this the 3rd day of February, 2006.

Notary Public

My Commission Expires